


FILED
U.S. DISTRICT COURT
BRUNSWICK DIV.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

2007 APR -1 PM 3:09
CLERK 
SO. DIST. OF GA.

KEENE COURTNEY QUEENSBOROUGH, :

Petitioner, :

vs. :

CIVIL ACTION NO.: CV207-091

DEBRA HICKEY, Warden, :

Respondent. :

ORDER


After an independent review of the record, the Court concurs with the recommendation of the Magistrate Judge that the petition for writ of habeas corpus, filed pursuant to 28 U.S.C. § 2241, be dismissed. In his Report and Recommendation, the Magistrate Judge determined that Petitioner had failed to establish that the time delay in adjudication of his § 2255 motion renders § 2255 an inadequate or ineffective remedy to test the legality of his detention in the district of his conviction as is required by the "savings clause" of § 2255. See 28 U.S.C. § 2255 ¶ 5. Petitioner has filed Objections to the Report and Recommendation, wherein he contends that this Court's failure to address his petition on its merits would amount to a miscarriage of justice, given the delay in the court of conviction in adjudicating his § 2255 motion.

The savings clause of § 2255 is applied in extremely limited situations, and Petitioner has presented no such situation in this case. "The statute does not present a timetable for the ultimate disposition of a motion filed under section 2255." Stirone v.

Markley, 345 F.2d 473, 475 (7th Cir. 1965), cert. denied, 382 U.S. 829, 86 S. Ct. 67, 15 L. Ed. 2d 73 (1965). As such, Petitioner fails to demonstrate any ineffectiveness of § 2255 conferring jurisdiction upon this Court to entertain his petition.

Petitioner's Objections are without merit. The Report and Recommendation of the Magistrate Judge is adopted as the opinion of this Court. The petition for writ of habeas corpus, filed pursuant to 28 U.S.C. § 2241, is hereby **DISMISSED**. The Clerk of Court is hereby authorized and directed to enter an appropriate Judgment of Dismissal.

SO ORDERED, this 1st day of April, 2008.


JUDGE, UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA